

### **REMARKS**

The Examiner is thanked for the thorough examination of the application. The specification has been amended to correct a minor error. No new matter is believed to be added to the application by this Amendment.

### **Status Of The Claims**

Claims 7-12, 14 and 15 are pending in the application. Claims 1-6 and 13 have been canceled without prejudice or disclaimer. Claims 7-11, and 14 have been amended to not depend upon canceled claim 1.

### **Rejections Under 35 U.S.C. §103(a)**

1. Claims 1, 4, 5, 8, 9 and 13 have been rejected under 35 U.S.C. §103(a) as being obvious over Fushihara (U.S. 2002/0098919) in view of Bulpett (U.S. 2002/0086743).
2. Claims 1, 4-8, 10, 11 and 13 have been rejected under 35 U.S.C. §103(a) as being obvious over Ohira (U.S. Patent 6,509,410) in view of Bulpett and Akashi (U.S. Patent 5,300,257).
3. Claims 1, 4, 5, 7, 8 and 10-13 have been rejected under 35 U.S.C. §103(a) as being obvious over Kennedy (U.S. Patent 5,409,233) in view of Bulpett and Akashi.

Applicants traverse the aforesaid rejections and respectfully request reconsideration and withdrawal thereof.

Distinctions of the present invention over the cited art references were made of record in the Amendment filed March 8, 2006, which is now entered by filing of an RCE, and the traversals of these rejections are herewith incorporated by reference.

As noted in the traversals, the present invention demonstrates unexpected results over the cited art. In the Advisory Action mailed March 17, 2006, the Examiner asserted that the results of the invention were not commensurate in scope with the claims. Although the applicants do not accede to the Examiner's position, claim 1 has been canceled and claim 15 has been made the base claim of the application. Claim 15 recites using the hypophosphorous compound tetrakis (2,4-di-tert-butyl-5-methylphenyl)[1,1'-biphenyl]-4,4'-diylbisphosphonite, or a derivative thereof. As a result, base claim 15 is fully commensurate with the Examples of the specification.

Accordingly withdrawal of the aforesaid rejections is respectfully requested for these additional reasons.

#### **Double Patenting Rejection**

Claims 1, 4-9 and 13 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending application no. 10/849,231. Applicants traverse.

Although the applicants do not acquiesce to the Examiners assertion of double patenting, a Terminal Disclaimer is being filed in order to expedite prosecution of the application. This rejection is overcome and withdrawal thereof is respectfully requested.

#### **Information Disclosure Statement**

The Examiner is thanked for considering the information Disclosure Statement filed March 4, 2004 and for making the initialed PTO-449 form of record in the application in the Office Action mailed July 26, 2005.

**Prior Art**

The prior art cited but not utilized by the Examiner indicates the status of the conventional art that the invention supercedes. Additional remarks are accordingly not necessary.

**Foreign Priority**

The Examiner has acknowledged foreign priority in the Office Action mailed July 26, 2005.

**Conclusion**

The Examiner's objection rejections have been overcome, obviated or rendered moot. No issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability

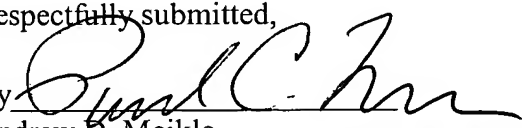
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 10, 2006

Respectfully submitted,

By

  
Andrew D. Meikle

for Registration No.: 32,868 #43,368  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant